

AMENDED IN ASSEMBLY SEPTEMBER 2, 1997

AMENDED IN ASSEMBLY JULY 28, 1997

AMENDED IN SENATE MAY 27, 1997

AMENDED IN SENATE MAY 14, 1997

AMENDED IN SENATE APRIL 14, 1997

SENATE BILL**No. 873**

Introduced by Senator Vasconcellos

February 26, 1997

An act to add Section ~~H5930~~ *116064* to the Health and Safety Code, relating to pool safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 873, as amended, Vasconcellos. Wading pools: drains.

Existing law, the Swimming Pool Safety Act, establishes certain safety requirements for swimming pools, as defined, including nonportable wading pools, regarding pool enclosures and related safety equipment.

This bill would, commencing January 1, 1998, require that whenever a construction permit is issued for construction or alteration, as defined, of a public wading pool, as defined, the pool be constructed or retrofitted to have at least 2 circulation drains per pump at least 3 feet apart and comply with other safety requirements to prevent physical entrapment or suction injury. This bill would require all pools to comply with these standards by January 1, 2000. This bill would ~~require~~ *authorize* the State Department of Health Services to adopt

regulations *regarding safety requirements for public wading pools to include, but not be limited to, standards* permitting the use of alternative devices or safeguards, or incorporating new technologies. The bill would require the department to forward the regulations to the California Building Standards Commission for approval, and would require the commission to approve the regulations *and publish them in the California Building Standards Code* by November 1, 1999. By increasing the inspection duties of local officers, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section ~~115930~~ 116064 is added to the
- 2 Health and Safety Code, to read:
- 3 ~~115930.~~—
- 4 116064. (a) As used in this section the following
- 5 words have the following meanings:
- 6 (1) (A) “Public wading pool” means a pool that meets
- 7 all of the following criteria:
- 8 (i) It has a maximum water depth not exceeding 18
- 9 inches.
- 10 (ii) It is a pool other than a pool that is located ~~in a~~
- 11 ~~single-family residence,~~ *on the premises of a one-unit or*
- 12 *two-unit residence,* intended solely for the use of the
- 13 residents or guests.
- 14 (B) “Public wading pool” includes, but is not limited
- 15 to, a pool owned or operated by private persons or
- 16 agencies, or by state or local governmental agencies.
- 17 (C) “Public wading pool” includes, but is not limited
- 18 to, a pool located in an apartment house, hotel, or similar
- 19 setting, that is intended for the use of residents or guests.

(2) "Alteration" means any of the following:

(A) To change, modify, or rearrange the structural parts or the design.

(B) To enlarge.

(C) To move the location of.

(D) To install a new water circulation system.

(E) To make any repairs costing fifty dollars (\$50) or more to an existing circulation system.

(b) A public wading pool shall have at least two circulation drains per pump that are hydraulically balanced and symmetrically plumbed through one or more "T" fittings, and are separated by a distance of at least three feet in any dimension between the drains.

(c) All public wading pool main drain suction outlets that are under 12 inches across shall be covered with antivortex grates or similar protective devices. All main drain suction outlets shall be covered with grates or antivortex plates that cannot be removed except with the use of tools. Slots or openings in the grates or similar protective devices shall be of a shape, area, and arrangement that would prevent physical entrapment and would not pose any suction hazard to bathers. ~~The State Department of Health Services shall, by May 1, 1998, adopt regulations permitting~~

(d) (1) The State Department of Health Services may adopt regulations pursuant to this section.

(2) The regulations may include, but not be limited to, standards permitting the use of alternative devices or safeguards, or incorporating new technologies, that produce, at a minimum, equivalent protection against entrapment and suction hazard. ~~The regulations hazard, whenever these devices, safeguards, or technologies become available to the public.~~

(3) Regulations adopted pursuant to this section constitute building standards and shall be forwarded pursuant to subdivision (e) of Section 11343 of the Government Code to the California Building Standards Commission for approval as set forth in Section 18907 of the Health and Safety Code. ~~The~~

1 (e) The California Building Standards Commission
2 shall approve the building standards *as set forth in this*
3 *section* and publish them in the California Building
4 Standards Code by November 1, 1999. Enforcement of
5 the standards set forth in this section does not depend
6 upon adoption of regulations, therefore, enforcement
7 agencies shall enforce the standards pursuant to the
8 timeline set forth in this section prior to adoption of
9 related regulations.

10 ~~(d)~~

11 (f) The maximum velocity in the pump suction
12 hydraulic system shall not exceed six feet per second
13 when 100 percent of the pump's flow comes from the
14 main drain system and any main drain suction fitting in
15 the system is completely blocked.

16 ~~(e)~~

17 (g) On and after January 1, 1998, all newly constructed
18 public wading pools shall be constructed in compliance
19 with this section.

20 ~~(f)~~

21 (h) Commencing January 1, 1998, whenever a
22 construction permit is issued for alteration of an existing
23 public wading pool, it shall be retrofitted so as to be in
24 compliance with this section.

25 ~~(g)~~

26 (i) By January 1, 2000, every public wading pool,
27 regardless of the date of original construction, shall be
28 retrofitted to comply with this section.

29 ~~(h)~~

30 (j) Sections 115925, 115926, and 115927 do not apply to
31 this section.

32 SEC. 2. No reimbursement is required by this act
33 pursuant to Section 6 of Article XIII B of the California
34 Constitution because a local agency or school district has
35 the authority to levy service charges, fees, or assessments
36 sufficient to pay for the program or level of service
37 mandated by this act, within the meaning of Section 17556
38 of the Government Code.

39 Notwithstanding Section 17580 of the Government
40 Code, unless otherwise specified, the provisions of this act

1 shall become operative on the same date that the act
2 takes effect pursuant to the California Constitution.

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